IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated Nainital the 13th day of February 2006
Criminal Misc. Bail Application No.1103/2005
Order on the bail application of the accused

CRIMINAL SIDE

Kamal S/o Shri Jagdish
R/o 162 Pathriya Peer
P.S. Kotwali
District Dehradun …… Applicant

Versus

State of Uttaranchal ……Opposite Party

Arising out of case crime No. 189 of 2005
U/s 392, 411 I.P.C.
P.S. Kotwali
District – District

Hon'ble J.C.S. Rawat, J.

Heard Sri Sandeep Tandon and Sri Manish Arora learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The F.I.R. was lodged on 7.6.2005 against the unknown persons. The applicant was arrested on 10.8.2005 in other case. No identification parade of the accused has been conducted and there was no identification of recovered articles. It was alleged that the chain has been recovered at the pointing out of Rahul. It was alleged in para No. 7 & 8 of bail applicant that the chain was not recovered from the possession of the applicant and the applicant is not named in the FIR and there is no independent witness against the applicant. The said contents have been admitted in para 6 of the counter affidavit. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 13.02.2006
LSR